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Attorneys for Defendant Coors Brewing Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPIRIT & SANZONE DISTRIBUTORS CO., :
INC., and :

SALAMANCA-AREA BEVERAGE :
COMPANY, INC., :

Plaintiffs, :

vs. :

COORS BREWING COMPANY, :

Defendant. _____

Civil Action No. 08 CV 0251(LLS)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon Plaintiffs' Complaint herein, and Defendant Coors Brewing Company's Memorandum of Law Opposing Plaintiffs' Application for Preliminary Injunction to Stay Arbitrations and in Support of Coors' Motion to Dismiss or Stay the Action in Favor of Arbitration, the undersigned shall move this Court, before the Honorable Louis L. Stanton, Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on such date as the Court shall set and counsel may be heard, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) and section 3 of the Federal Arbitration Act, 9 U.S.C. § 3, dismissing

the Complaint for failure to state a claim upon which relief may be granted, which is sought in the alternative to Coors' previous motion to stay these proceedings in favor of arbitrations, as raised in the January 18, 2008, order to show cause.

Dated: New York, New York
January 28, 2008

/s/ Robert A. Scher
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